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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 09/881,233 | 06/14/2001 | Steven Swaddle | CS1096#SP | 7540 |
| 7590 07/13/2005 | | | EXAMINER | |
| Bruce S. Shapiro 701 E. Joppa Road Towson, MD 21286 | | | WILSON, LEE D | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3723 | |
| DATE MAILED: 07/13/2005 | | | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

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| | | | |
|------------------------------|--------------------------------------|--|--|
| Office Action Summary | Application No. 09/881,233 | Applicant(s) SWADDLE, STEVEN | |
| | Examiner LEE D. WILSON | Art Unit 3723 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-32 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 12-32 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 12-16 and 22-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wuensch (6475075) in view of Syverson (6244427).

a. Wuensch discloses a belt sander having a body element (11), a belt (35), a driven roller (19), a non-driven roller (20), a motor (16).

b. Wuensch does not disclose a motor contained within the driven roller.

c. Syverson discloses a roller which has a stator (40) and rotor (62) contained within the roller which provides an alternative means of powering the roller.

d. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the Wuensch device by replacing the motor with an alternative motor as taught by Syverson which provides an alternative means of powering the roller.

e. Wuensch discloses a claw pole motor already. Therefore the type of claw pole motor and its shape would be a matter of obvious design choice since it is known to use claw pole motor already.

3. Claims 12-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mc Curry in view of Syverson (6244427).

- f. Mc Curry discloses a belt sander having a body element (10), a belt (claim 1), a driven roller (19), a non-driven roller (20), adjustment mechanism (claim 4) and a motor (15).
- g. Mc Curry does not disclose a motor contained within the driven roller.
- h. Syverson discloses roller which has a stator (40) and rotor (62) contained within the roller which provides an alternative means of powering the a roller.
- i. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the Mc Curry device by replacing the motor with an alternative motor as taught by Syverson which provides an alternative means of powering the a roller.
- j. Mc Curry discloses a claw pole motor already. Therefore the type of claw pole motor and its shape would be a matter of obvious design choice since it is known to use claw pole motor already.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Wu et al discloses an invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LEE D. WILSON whose telephone number is 571-272-4499. The examiner can normally be reached on M-F.

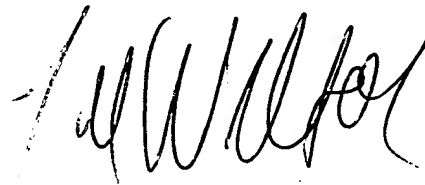
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JOSEPH HAIL can be reached on 571-272-4485. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3723

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ldw

July 7, 2005

A handwritten signature in black ink, appearing to read 'Lee D. Wilson', is written over a faint, circular official stamp.

LEE D. WILSON
PRIMARY EXAMINER